

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI  
CENTRAL DIVISION**

S. M. L. )  
            )  
            )  
**Plaintiff,** )  
            )  
            )  
v.             )   **Case No. 18-04224-CV-C-NKL**  
            )  
            )  
**PULASKI COUNTY, MISSOURI et al.,** )  
            )  
            )  
**Defendants.** )

**PLAINTIFF S.M.L.'S UNOPPOSED MOTION FOR LEAVE OF COURT TO DEPOSE  
DEFENDANT DONALD SAPP IN COUNTY JAIL WITH SUGGESTIONS IN SUPPORT**

COMES NOW Plaintiff S.M.L., by and through undersigned counsel, and pursuant to Fed. R. Civ. P. 30(a)(2)(B), moves for leave of Court to depose Defendant Donald Sapp in the Morgan County Jail. In support, Plaintiff states as follows:

1.       Defendant Donald Sapp is currently incarcerated at the Morgan County Jail in Versailles, Missouri, serving his criminal sentence for sexually assaulting Plaintiff S.M.L.
2.       Fed. R. Civ. P 30(a)(1) provides that a party may depose anyone, including a party, without leave of court subject to the exceptions enumerated in Fed. R. Civ. P. 30(a)(2).
3.       One of the exceptions enumerated in Fed. R. Civ. P. 30(a)(2) requires a party to seek leave of court to take a deposition “if the deponent is confined in prison.” The “court must grant leave to the extent consistent with Rule 26(b)(1) and (2).” *Id.*
4.       The deposition of a party defendant is relevant and critical discovery that falls squarely within the spirit of Rule 26(b)(1) and (2), which govern the scope and limitations on discovery in federal court.
5.       Counsel for Plaintiff S.M.L. has contacted the Morgan County Jail in order to determine their requirements to videotape a deposition of an inmate, which include at least 48

hours' notice, that attorneys present their bar credentials, and that the court reporter present photo identification.

6. Counsel for Plaintiff S.M.L. has also conferred with counsel for the Defendants in this case and no one opposes this Motion.

WHEREFORE, Plaintiff S.M.L respectfully requests the Court grant her Motion for Leave of Court to Depose Defendant Donald Sapp in County Jail pursuant to Fed. R. Civ. P. 30(a)(2)(B), and for such further and other relief the Court deems just and proper.

Respectfully submitted,

SHAFFER LOMBARDO SHURIN

/s/ Jennifer J. Price  
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**ATTORNEYS FOR PLAINTIFF S.M.L.**

#### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on August 16, 2019, a copy of the foregoing was electronically filed with the Clerk of this Court, by using the Court's CM/ECF system, which provides electronic notice to all counsel of record.

/s/ Jennifer J. Price